

# Notice of Allowability

Application No.

10/614,322

Examiner

Nelson D. Hernandez

Applicant(s)

BATTLES ET AL.

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Response to After Final filed on 6/7/2007.
2. ☒ The allowed claim(s) is/are 1-11 and 13-19 (Renumbered as 1-18).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 4/17/2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.



VIVEK SRIVASTAVA  
SUPERVISORY PATENT EXAMINER

## DETAILED ACTION

### *Response to Amendment*

1. The Examiner acknowledges the amended claims filed on June 7, 2007. **Claims 1, 9 and 15** have been amended. **Claims 12 and 20** have been canceled.

### *Allowable Subject Matter*

2. **Claims 1-11 and 13-19** (Renumbered as 1-18) are allowed.
3. The following is a statement of reasons for the indication of allowable subject matter:

**Regarding claim 1**, the main reason for indication of allowable subject matter is because the prior art fails to teach or reasonably suggest, including all the elements of the present claim, using an accelerometer with an inertial element mechanically coupled to and suspended by a cantilever, wherein the cantilever is coupled to spaced apart electrostatic plates, and indicating a distance between the electrostatic plates when the inertial element causes the cantilever to deform for determining an angle of pitch orientation of said image capture device and for generating a signal related to the angle of pitch orientation based on the distance between the electrostatic plates; and ceasing to present images on the display in response to the signal indicative of said pitch angle related, to the angle of pitch orientation and in response to input received from user input control.

**Regarding claim 9**, the main reason for indication of allowable subject matter is because the prior art fails to teach or reasonably suggest, including all the elements of the present claim, an accelerometer with an inertial element mechanically coupled to and suspended by a cantilever, wherein the cantilever is coupled to spaced apart electrostatic plates configured to indicate a distance between the electrostatic plates when an inertial element causes the cantilever to deform; and wherein said user interface logic ceases to control said display in response to said signal indicative of said pitch angle and in response to input received from a user input control.

**Regarding claim 15 (Renumbered as 14)**, the main reason for indication of allowable subject matter is because the prior art fails to teach or reasonably suggest, including all the elements of the present claim, accelerometer means having an inertial element mechanically coupled to and suspended by a cantilever, wherein the cantilever is coupled to spaced apart electrostatic plates; means for indicating a distance between the electrostatic plates when the inertial element causes the cantilever to deform; sensor means configured to use the distance between the electrostatic plates of the accelerometer means for determining an angle of pitch orientation of said system and for generating, a signal related to the angle of pitch orientation; means for ceasing to control the display in response to the signal related to the angle of pitch orientation and in response to input received from user input control.

**Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 8:30 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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NDHH  
June 18, 2007



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